

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DANA FEDOR, AND ALL OTHERS  
SIMILARLY SITUATED,

Plaintiff,

vs.

UNITEDHEALTHCARE, INC., and UNITED  
HEALTHCARE SERVICES, INC.,

Defendants.

Docket No. 1:17-cv-13-MV/KBM

**DECLARATION OF TRAVIS M. HEDGPETH**

I, Travis M. Hedgpeth, declare and state under penalty of perjury, the following:

1.! I am a member in good standing of the Texas State Bar and am the managing shareholder of The Hedgpeth Law Firm, PC.

2.! I have been one of the lawyers responsible for the prosecution of Plaintiffs' claims.

3.! I submit this declaration in support of Plaintiffs' Response to Defendants' Motion to Enforce Settlement Agreement.

4.! Because the class asserted by Plaintiffs included multiple job titles that performed care coordination duties, the parties decided to limit the class by excluding a single job title—the "Case Manager RN" position.

5.! Following an in-person meeting by counsel, the parties agreed to a settlement class that excluded only the Case Manager RN position.

6.! Following the agreement to stay the case, Defendants produced class data for approximately 240 individuals.

7.! This data, which included biweekly pay data for each individual, was to be used to calculate damages in advance of the settlement conference.

8.! Plaintiffs created a damage model using the data, shared the model with Defendants, and used it throughout settlement negotiations.

9.! Once a settlement amount had been agreed upon, the class data was used to create the list of “putative class members” that would be attached to the settlement agreement.

10.! Defendants have failed to provide evidence that the individuals excluded from the class data signed arbitration agreements.

11.! Attached as **Attachment 1** hereto is a partially redacted (but otherwise true and correct) copy of a May 18, 2022 email from me to Defendants’ counsel.

12.! Attached as **Attachment 2** hereto is a partially redacted (but otherwise true and correct) copy of a May 22, 2022 email from Defendants’ counsel to Plaintiffs’ counsel.

13.! Attached as **Attachment 3** hereto is a partially redacted (but otherwise true and correct) copy of a June 3, 2022 email from me to Defendants’ counsel.

14.! Attached as **Attachment 4** hereto is a partially redacted (but otherwise true and correct) copy of a November 29, 2023 email from me to Defendants’ counsel.

15.! I declare under penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing is true and correct.

Executed on March 21, 2024.

A handwritten signature in black ink, appearing to read 'TH', with a long horizontal stroke extending to the right.

Travis M. Hedgpeth

**From:** Travis Hedgpeth [travis@hedgpethlaw.com](mailto:travis@hedgpethlaw.com)  
**Subject:** Fedor/UnitedHealthcare - Meeting next week - FRE 408 Settlement Communication  
**Date:** May 18, 2022 at 1:14 PM  
**To:** Robert F. Friedman [rfriedman@littler.com](mailto:rfriedman@littler.com), [jhawpe@littler.com](mailto:jhawpe@littler.com)  
**Cc:** Jack Siegel [jack@siegellawgroup.biz](mailto:jack@siegellawgroup.biz), Stacy Thomsen [stacy@siegellawgroup.biz](mailto:stacy@siegellawgroup.biz), Katie Turk [katie@hedgpethlaw.com](mailto:katie@hedgpethlaw.com)

Rob and Jeremy,

Thanks again for taking the time to talk the other day. It looks like I'll be coming into Dallas on Monday of next week (the 23rd) and will be there all week, so we're available to get together any day Tuesday-Friday to discuss the case. Just let us know what works for you.

Although we're not interested in stipulating to a smaller class for conditional certification, we think it makes sense to explore early resolution, and for purposes of settlement, we *would* be willing to discuss a narrower class. Specifically, based on the estimated numbers you provided, we think excluding the RN Case Manager position from the settlement class makes sense.

We appreciate your client making a concrete proposal, so we'll do the same. What we typically do for pre-notice settlements, and what we propose here, would be to stay briefing on step-one notice. The motion to stay would include a timeline for engaging in settlement discussions, including exchanging information and participating in a mediation with a third-party neutral, as well as an agreement to toll the statute of limitations for potential class members during that time. If negotiations are successful, great. If not, we notify the Court and pick up where we left off (i.e., resume briefing on notice).

Looking forward to getting together next week. If there's anything you'd like to discuss before then, just let us know.

Thanks,  
Travis

**Travis Hedgpeth**  
**The Hedgpeth Law Firm, PC**  
 office 281.572.0727  
 cell 512.417.5716  
[travis@hedgpethlaw.com](mailto:travis@hedgpethlaw.com)

# **ATTACHMENT 2**

**From:** Hawpe, Jeremy W. JHawpe@littler.com  
**Subject:** Re: Fedor/UnitedHealthcare - Meeting next week - FRE 408 Settlement Communication  
**Date:** May 22, 2022 at 11:53 AM  
**To:** Friedman, Rob RFriedman@littler.com  
**Cc:** Travis Hedgpeth travis@hedgpethlaw.com

I think Tuesday works for me but can confirm tomorrow. I'm getting ready for trial and can't remember when I scheduled a prep session

But in other news, we are open to the proposal below. I can also confirm that tomorrow with a draft motion to submit to the court.

Thanks!

Jeremy W. Hawpe  
[REDACTED]  
[REDACTED]

Sent from my iPhone

On May 22, 2022, at 11:49 AM, Friedman, Rob <RFriedman@littler.com> wrote:

Yes. Tuesday works for me. Jeremy?

**Rob Friedman**  
Office Managing Shareholder  
[REDACTED]  
[REDACTED]

**LITTLER MENDELSON, PC**  
Labor & Employment Law Solutions | Local Everywhere  
[2001 Ross Avenue, Suite 1500, Lock Box 116, Dallas, TX 75201-2931](#)

Sent from my iPhone  
Please excuse any typos

On May 22, 2022, at 12:42 PM, Travis Hedgpeth <travis@hedgpethlaw.com> wrote:

**[EXTERNAL E-MAIL]**

Just following up on this. Is there a day this week that works for y'all to grab lunch?

**Travis Hedgpeth**  
**The Hedgpeth Law Firm, PC**  
office 281.572.0727  
cell 512.417.5716  
[travis@hedgpethlaw.com](mailto:travis@hedgpethlaw.com)

On May 18, 2022, at 5:07 PM, Travis Hedgpeth <travis@hedgpethlaw.com> wrote:

Accidentally left off Derek.

Travis Hedgpeth  
The Hedgpeth Law Firm, PC  
281.572.0727  
[Travis@hedgpethlaw.com](mailto:Travis@hedgpethlaw.com)

Sent from my iPhone.

On May 18, 2022, at 1:14 PM, Travis Hedgpeth <travis@hedgpethlaw.com> wrote:

Rob and Jeremy,

Thanks again for taking the time to talk the other day. It looks like I'll be coming into Dallas on Monday of next week (the 23rd) and will be there all week, so we're available to get together any day Tuesday-Friday to discuss the case. Just let us know what works for you.

[REDACTED]  
[REDACTED]  
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[REDACTED] Although we're not interested in stipulating to a smaller class for conditional certification, we think it makes sense to explore early resolution, and for purposes of settlement, we *would* be willing to discuss a narrower class. Specifically, based on the estimated numbers you provided, we think excluding the RN Case Manager position from the settlement class makes sense. [REDACTED]  
[REDACTED]

[REDACTED]  
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We appreciate your client making a concrete proposal, so we'll do the same. What we typically do for pre-notice settlements, and what we propose here, would be to stay briefing on step-one notice. The motion to stay would include a timeline for engaging in settlement discussions, including exchanging information and participating in a mediation with a third-party neutral, as well as an agreement to toll the statute of limitations for potential class members during that time. If negotiations are successful, great. If not, we notify the Court and pick up where we left off (i.e., resume briefing on notice).

Looking forward to getting together next week. If there's anything you'd like to discuss before then, just let us know.

Thanks,  
Travis

**Travis Hedgpeth**  
**The Hedgpeth Law Firm, PC**  
office 281.572.0727  
cell 512.417.5716  
[travis@hedgpethlaw.com](mailto:travis@hedgpethlaw.com)

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# **ATTACHMENT 3**

**From:** Travis Hedgpeth [travis@hedgpethlaw.com](mailto:travis@hedgpethlaw.com)  
**Subject:** Re: Fedor/UnitedHealthcare - Meeting next week - FRE 408 Settlement Communication  
**Date:** June 3, 2022 at 11:33 AM  
**To:** Hawpe, Jeremy W. [JHawpe@littler.com](mailto:JHawpe@littler.com)  
**Cc:** Jack Siegel [jack@siegellawgroup.biz](mailto:jack@siegellawgroup.biz), Robert F. Friedman [RFriedman@littler.com](mailto:RFriedman@littler.com), Derek Braziel [jdbraziel@l-b-law.com](mailto:jdbraziel@l-b-law.com)

TH

Thanks, Jeremy. Also, please ask your client to confirm (1) whether it will be producing biweekly pay data (in Excel) for each individual in the proposed settlement class and (2) **how many individuals are in the class (and how many are in the Case Manager RN position being carved out)**. Regarding the latter, when we spoke on the phone, I believe you estimated that the class size was about 250 individuals and roughly 50 of those were in the CMRN position, but I don't think we ever firmed those numbers up.

**Travis Hedgpeth**  
**The Hedgpeth Law Firm, PC**  
office 281.572.0727  
cell 512.417.5716  
[travis@hedgpethlaw.com](mailto:travis@hedgpethlaw.com)

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# **ATTACHMENT 4**

**From:** Travis Hedgpeth [travis@hedgpethlaw.com](mailto:travis@hedgpethlaw.com)  
**Subject:** Re: Fedor v UHG callers not in the database  
**Date:** November 29, 2023 at 7:38 PM  
**To:** Anderson, Chris [Chrisanderson@littler.com](mailto:Chrisanderson@littler.com)  
**Cc:** Hawpe, Jeremy W. [JHawpe@littler.com](mailto:JHawpe@littler.com), Katie Turk [katie@hedgpethlaw.com](mailto:katie@hedgpethlaw.com)



Thanks, Chris. **Please provide copies of the signed arbitration agreements for the relevant individuals.**

Travis Hedgpeth  
The Hedgpeth Law Firm, PC  
281.572.0727  
[Travis@hedgpethlaw.com](mailto:Travis@hedgpethlaw.com)

Sent from my iPhone.

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